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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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7 UNITED STATES OF AMERICA,
8 Plaintiff,
9 vs.
10 DONALD M. DAVIDSON,
11 Defendant.

2:05-CR-0440-RLH-LRL

ORDER

13 Before this Court is the Report and Recommendation (#71, filed June 7, 2007) of
14 United States Magistrate Judge Lawrence R. Leavitt, regarding Defendant's Motion to Dismiss
15 Count One of the Second Superseding Indictment (#49). Objections (#76) were filed to Magistrate
16 Judge Leavitt's Report and Recommendation in accordance with Local Rule IB 3-2 of the Rules of
17 Practice of the United States District Court for the District of Nevada. The Government has filed an
18 Opposition (#82) thereto, and the matter was submitted for consideration.

19 The court has conducted a *de novo* review of the record in this case in accordance
20 with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and
21 Recommendation of Magistrate Judge Leavitt should be accepted and adopted.

IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommendation (#71, entered June 7, 2007) is AFFIRMED and ADOPTED, Defendant Davidson's Motion to Dismiss Count One of the Second Superseding Indictment (#49) is denied.

25 || Dated: June 19, 2007.

Roger L. Hunt
ROGER L HUNT
Chief U.S. District Judge